

## REMARKS

### STATUS OF THE CLAIMS

In accordance with the foregoing, claims 1, 2, 4-6, 8-10 and 12-14 have been amended. Claims 7, 11 and 15-17 have been cancelled. Claims 1, 2, 4-6, 8-10 and 12-14 are pending and under consideration.

No new matter is being presented, and approval of the amended claims is respectfully requested.

### REASONS FOR ENTRY

Applicant respectfully requests entry of this Rule 116 Response and Request for Reconsideration because the amendments to the independent claims are merely to further clarify features of the present invention. The amendments do not significantly alter the scope of the claims and, thus, should not entail any further search by the Examiner since no new features are being added or no new issues are being raised. The amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed.

### REJECTIONS OF CLAIMS 1, 2 AND 4-17 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER STEFIK ET AL. (U.S. PATENT NO. 5,638,443)

The rejections of claims 1, 2, 4-6, 8-10 and 12-14 are respectfully traversed and reconsideration is requested.

Stefik describes a system for controlling the use and distribution of composite digital works. The portions of Stefik cited by the Examiner state that repositories are used to store digital works, control access to digital works, bill for access to digital works and maintain the security and integrity of the system. (See Stefik, column 6, lines 1-5). According to Stefik, a digital work only moves from one trusted repository to another, and all uses of copies are potentially controlled and billable. (See Stefik, column 6, lines 12-15).

Stefik further discusses that a repository will have associated with it a repository identifier, which is a unique number assigned to the repository at the time of manufacture. As a prerequisite, each repository has an identification certificate. A master repository plays the role of an authorization agent to enable repositories to received digital works. Identification certificates must be updated on a periodic basis. (See Stefik, column 13, lines 10-25).

Further, as the Examiner suggests, Stefik states that a digital work is circulated with a ticket (included in the purchase price and possibly embedded in the work) that can be used for future upgrade. (See Stefik, column 23, lines 23-25). Thus, the Examiner states, Stefik reads on acquiring information of a range of user right within which the user rights are expanded, as recited in independent claim 1, for example.

However, Stefik merely mentions the idea of "unpunching" a ticket embedded in a digital work so that additional (undetermined) user rights may be assigned at a later time. (See Stefik, column 23, lines 9-25). The cited portions of Stefik make no mention of acquiring information of a *predetermined* range of user right, *defined in the agreement*, as recited in independent claim 1, for example.

Moreover, the Examiner cites the foregoing features of Stefik as reading on updating the managed user right information, based on the acquired range of user right information; and executing the software program, based on the updated managed user right information, as recited in independent claim 1, for example. However, any updating performed by Stefik is merely to update the identification certificates of the repositories, and does not relate to updating the managed user right information, based on the acquired range of user right information.

Therefore, it is respectfully submitted that independent claim 1, along with dependent claims 2 and 4, patentably distinguish over the prior art.

Independent claims 5, 6, 8-10 and 12-14 recite similar features to independent claim 1, described above. Thus, the arguments submitted herein for independent claim 1 are also submitted for independent claims 5, 6, 8-10 and 12-14 and, therefore, it is respectfully submitted that independent claims 5, 6, 8-10 and 12-14 patentably distinguish over the prior art.

## CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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